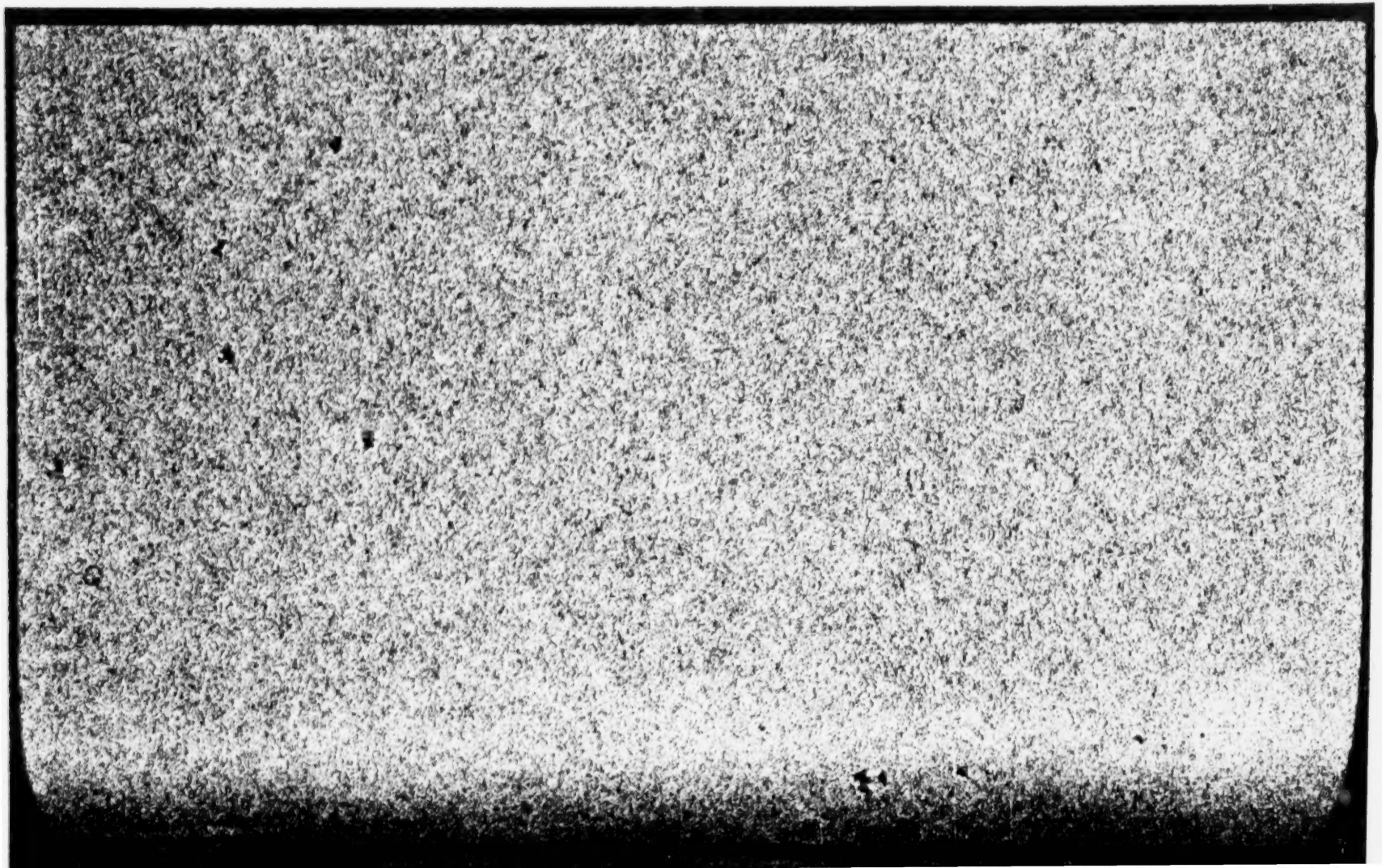

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In the Supreme Court of the United States

OCTOBER TERM, 1929

UNITED STATES OF AMERICA, APPELLANT

v

FIRST NATIONAL PICTURES, INC., ET AL.

ON APPEAL FROM THE DISTRICT COURT OF THE UNITED STATES FOR THE SOUTHERN DISTRICT OF NEW YORK

STATEMENT OF JURISDICTION

In the Supreme Court of the United States

OCTOBER TERM, 1929

No. 856

UNITED STATES OF AMERICA, APPELLANT

v.

FIRST NATIONAL PICTURES, INC., ET AL.

ON APPEAL FROM THE DISTRICT COURT OF THE UNITED STATES FOR THE SOUTHERN DISTRICT OF NEW YORK

STATEMENT OF JURISDICTION

In compliance with Rule 12 of this Court, the appellant submits herewith its statement showing the basis of the jurisdiction of this Court in the above-entitled cause:

A

STATUTES

The statutory jurisdiction of this Court to review by direct appeal the decree here complained of is conferred by the Act of February 11, 1903, c. 544, 32 Stat. 823, known as the Expediting Act, and by Section 238 of the Judicial Code, as amended by the Act of February 13, 1925.

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B

DATES OF DECREE AND APPLICATION FOR APPEAL

The final decree sought to be reviewed was entered on December 23, 1929. (Decree p. 2; cumulative p. 127.)[1] The petition for appeal was presented and filed and the order allowing the appeal was made and entered on February 21, 1930. (Petition for appeal, p. 2; cumulative p. 129; order allowing appeal p. 2; cumulative p. 133.) The citation and acknowledgment of service thereof were filed on February 21, 1930. (Citation p. 2; cumulative p. 135.)

C

NATURE OF THE CASE

This cause was instituted by a petition brought by the United States Attorney for the Southern District of New York, acting under the direction of the Attorney General, under the provisions of Section 4 of the Act of Congress of July 2, 1890, known as the Sherman Antitrust Act, to prevent and to restrain the appellees, the defendants in the District Court, from further engaging in a conspiracy in restraint of interstate trade and commerce in motion picture films in violation of Section 1 of said Act. (Petition pp. 1–58; cumulative pp. 1–58.)

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[1] The Record has not yet been printed. The cumulative page numbers refer to the pages of the Record (partly printed and partly typewritten) transmitted by the clerk of the court below, counting consecutively from p. 1 of the Petition.

In an opinion filed September 25, 1929, reported in 34 F. (2d) 815, the District Court held that the rules and the operations of the Credit Committees of the Film Boards of Trade, as alleged in the Petition and as established by the evidence, did not constitute an unreasonable restraint of the interstate trade and commerce in motion picture films. (Opinion, pp. 1–13; cumulative pp. 112–125.)

The final decree entered on December 23, 1929, dismissed the petition upon the merits, stating (Decree, p. 2; cumulative p. 127):

> The court [is] of the opinion that the association between the defendants described in the petition and proofs and more particularly evidenced by Exhibit A of the petition entitled "Rules and Regulations for the Establishment and Operations of a Credit Committee" is not a combination or conspiracy to restrain trade and commerce in violation of the Act of Congress approved July 2, 1890, entitled "An Act to Protect Trade and Commerce against Unlawful Restraints and Monopolies."

D

CASES SUSTAINING JURISDICTION

The following decisions of this Court are believed to sustain the jurisdiction of this Court:

United States v. *American Linseed Co.*, 262 U. S. 371.

United States v. *New York Coffee & Sugar Exchange, Inc.*, 263 U. S. 611.

United States v. *General Electric Co.*, 272 U. S. 476.

United States v. *International Harvester Co.*, 274 U. S. 693.

Respectfully submitted.

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MAY, 1930.

U. S. GOVERNMENT PRINTING OFFICE: 1930